



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Avi ASHKENAZI, et al.

Application Serial No. 09/903,640

Filed: July 11, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Examiner: Katcheves, Konstantina T.

Art Unit: 1636

Attorney's Docket No. 39780-1618 P2C48

Customer No. 35489

EXPRESS MAIL LABEL NO. EL346725327US

Date Mailed: February 11, 2004

NOTICE OF APPEAL

Commissioner for Patent -- Mail Stop AF
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 28, 2004 of the Primary Examiner finally rejecting Claims 44-47, 49-51. The item(s) marked below are appropriate:

- ☒ **Filing Fee:**
- ☒ **\$330.00 (large entity)**
- ☒ **Time Extension Fee (if applicable):**
- ☒ **two months (\$420.00 large entity)**
- ☒ **The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-1618 P2C48).**

Date: February 11, 2004

By: Daphne Reddy
Daphne Reddy (Reg. No. 53,507)

HELLER EHRMAN WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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2/11/04 10:04 AM (39780.1618)

Adjustment Date: 03/03/2004 SDIRETA1
02/18/2004 HBIZUNES 00000096 081641 09903640
01 FC:1252 420.00 CR

02/18/2004 HBIZUNES 00000096 081641 09903640
01 FC:1252 420.00 DA

02/18/2004 HBIZUNES 00000096 081641 09903640
02 FC:1401 330.00 DA

Adjustment Date: 03/03/2004 SDIRETA1
02/18/2004 HBIZUNES 00000096 081641 09903640
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi, et al. Docket No.: 39780-1618P2C48
Serial No.: 09/903,640 Group Art Unit: 1636
Filing Date: July 11, 2001 Examiner: Katcheves, K. T.
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

MS: 16—REFUNDS BRANCH

Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

- ☒ Transmitted herewith are the following documents:
- (1) Transmittal;
 - (2) Request for Refund of Extension Fee and Appeal Fee.
- ☒ The Commissioner is authorized to charge any required fees, or credit any overpayment to Deposit Account No. 08-1641.
- ☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

Date: February 25, 2004

Daphne Reddy
Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN WHITE & MCAULIFFE LLP

Customer No. 35489
275 Middlefield Road
Menlo Park, CA 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on February 25, 2004 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as **Express Mail** No. EV 346725300US addressed to: Mail Stop: 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 25, 2004

Cheryl Ann Rogers
Cheryl Ann Rogers

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi, et al. Docket No.: 39780-1618P2C48
Serial No.: 09/903,640 Group Art Unit: 1636
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MS: 16—REFUNDS BRANCH

Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF EXTENSION FEE AND APPEAL FEE

Sir:

Applicants respectfully request a refund of the extension fee and Notice of Appeal fee mailed on February 10, 2004 in the above-referenced application.

A Final Rejection was mailed in this application on September 11, 2003. A timely response under 37 C.F.R. 1.116 was filed on November 10, 2003.

A Notice of Appeal and two-month extension of time fee were mailed on February 10, 2004 and authorization given to charge fees to Deposit Account 08-1641 in the amount of \$750.00 (Notice of Appeal fee \$330 and 2-month Extension of Time in the amount of \$420). Unfortunately, the Notice of Appeal was inadvertently omitted from the mailing on February 10, 2003. On February 11, 2003 a new Notice of Appeal and request for a two-month extension of time was filed, also with authorization to charge Deposit Account 08-1641 in the amount of

\$750.

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on February 25, 2004 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as Express Mail No. EV 346725300US addressed to: Mail Stop: 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 25, 2004

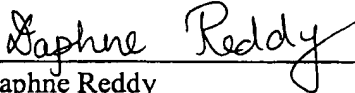
Cheryl Rogers
Cheryl Ann Rogers

Application No.:
Atty. Docket No.:

09/903,640
39780-1618P2C48

Applicants request that the erroneous filing of February 10, 2004 be disregarded and a refund of the two-month extension fee (\$420) and the Notice of Appeal fee (\$330), totaling \$750.00, be refunded and credited back to Deposit Account 08-1641.

Respectfully submitted,



Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN WHITE & MCAULIFFE LLP

Customer No. 35489
275 Middlefield Road
Menlo Park, CA 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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